

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
UNITED STATES COURTHOUSE
500 PEARL STREET
NEW YORK, NY 10007-1312

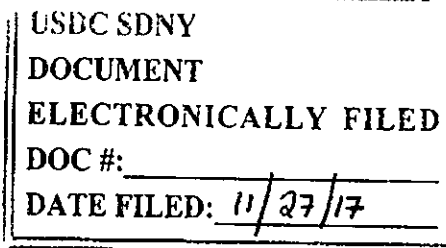
NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

212-805-0194

November 27, 2017

Ms. Ellie Silverman, Esq.
Novo Law Firm P.C.
299 Broadway, 17th Fl.
New York, NY 10007

Ms. Erica M. Haber, Esq.
New York City Law Department
100 Church St, Room 4-114
New York, NY 10007



**Re: Jarrett Frost v. The City of New York, et al.
15 Civ. 4843 (NRB)**

Dear Counsel:

This Court is in receipt of plaintiff's counsel's letter of November 21, 2017. This request for yet another extension coupled with a stream of excuses for the parties' failure to comply with this Court's order of July 19, 2017, requiring all discovery to be completed by year's end, is the continuation of a pattern of non-action which has existed from the very outset. This case is now close to two and a half years old and little, if any, progress has been made. Plaintiff's counsel's excuse that she is the only civil rights lawyer at her firm is wholly inadequate. The Novo Law Firm is counsel of record and if Ms. Silverman has personal issues or professional issues which prevent her from fulfilling the duty the firm owes the client, it is the institutional responsibility of the Novo Law Firm to do so. While Ms. Silverman's personal explanations might carry weight in some other context, given the history of delay and non-achievement from the very outset they cannot control. Other excuses that are proffered would not carry the day in any context. Regardless of the explanations or excuses the bottom line is that virtually no progress has been made despite the Court's attention to the case. Particularly striking is that plaintiff's counsel failed to promptly act after receiving the Court's July 19, 2017 order which itself was the result of months of professional neglect.

It should be clear to all parties that this Court's tolerance and patience have been totally

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exhausted. Nonetheless, to avoid any issue, this FINAL extension until March 31, 2018 is granted. The Court is convinced given plaintiff's counsel's track record that this extension may not be treated with the gravity it warrants so let me be crystal clear: failure to comply will be at counsel's professional peril.

Very truly yours,

A handwritten signature in black ink, reading "Naomi Reice Buchwald". The signature is fluid and cursive, with the first name "Naomi" being the most prominent.

Naomi Reice Buchwald
United States District Judge

cc: Ilya Novofastovsky, Esq.
Novo Law Firm P.C.
299 Broadway, 17th Fl.
New York, NY 10007